



CITY OF MORGAN HILL

**CITY COUNCIL
MORGAN HILL REDEVELOPMENT AGENCY**

COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Hedy L. Chang, Mayor Pro Tempore
Cynthia J. Cook, Council Member
Steve Tate, Council Member
Greg Sellers, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chairperson
Cynthia J. Cook, Vice-Chairperson
Hedy L. Chang, Agency Member
Steve Tate, Agency Member
Greg Sellers, Agency Member

WEDNESDAY, SEPTEMBER 15, 1999

AGENDA

JOINT MEETING

CITY COUNCIL REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

6:00 P.M.

A Special Meeting is called for Wednesday, September 15, 1999 at 6:00 P.M. for the purpose of conducting Closed Sessions and followed by a special meeting of the Redevelopment Agency.

Dennis Kennedy, Chairperson

OPPORTUNITY FOR PUBLIC COMMENT

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:

Legal Authority:	Government Code Section 54956.9(b)
Potential Lawsuit Subject:	Declaratory Relief Action (One case)
Closed Session Topic:	Exposure to litigation.
Attorney:	Helene Leichter
Attendees:	Councilmembers; City Manager

2.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Legal Authority:	Government Code Section 54956.9(a)
Title of Case:	<u>Farrow v. City of Morgan Hill</u>
Case Number:	United States District Court, Northern District C-99 20527 JW.
Parties:	Larry Farrow
Subject of Litigation:	Alleged discrimination and violation of due process.
Topic:	Litigation.
Attorney:	Helene Leichter
Attendees:	Councilmembers; City Manager

3.

Pursuant to Government Code 54957
Public Employee Performance Evaluation Process: City Manager

CLOSED SESSION ANNOUNCEMENT:

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(Deputy City Clerk/Deputy Agency Secretary Corbet)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Deputy City Clerk/Deputy Agency Secretary Corbet)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC SERVICE ANNOUNCEMENT

Eric Hilding

PROCLAMATIONS

Anristu

Commitment to Morgan Hill

Daughters of the American Revolution

Constitution Week

CITY COUNCIL REPORT

Mayor/Chairperson Kennedy

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE DEPUTY CITY CLERK.

(See notice attached to the end of this agenda.)

City Council action

CONSENT CALENDAR:

The Consent Calendar, Agenda Items #1 through #11 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

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1. **JULY/AUGUST FINANCE AND INVESTMENT REPORT** 1
Recommended Action: Accept and file report.

	Page
2. <u>TRANSFER OF CABLE TELEVISION FRANCHISE</u>	27
<u>Recommended Action:</u> <u>Adopt</u> Resolution # 5314 Authorizing the Transfer of the Cable Television Franchise to Charter Communications.	
3. <u>APPROVAL OF THE SOUTH COUNTY REGIONAL WASTEWATER AUTHORITY (SCRWA) BUDGET/FINANCIAL PLAN FOR THE PERIOD 1999/2004</u>	35
<u>Recommended Action:</u> <u>Approve</u> Budget/Financial Plan as adopted by the SCRWA Board.	
4. <u>APPROVE REIMBURSEMENT TO SANTA CLARA COUNTY FOR CULVERT REPLACEMENT AT THE HALE/WRIGHT INTERSECTION</u>	39
<u>Recommended Action:</u> <u>Authorize</u> Reimbursement to Santa Clara County in the Amount of \$35,501.05 for Culvert Replacement at the Hale and Wright Avenue Intersection.	
5. <u>ADOPTION OF ANNUAL DISADVANTAGED BUSINESS ENTERPRISE GOAL TO COMPLY WITH FEDERAL-AID FUNDING REQUIREMENTS</u>	41
<u>Recommended Action:</u> <u>Adopt</u> a 10-percent Disadvantaged Business Enterprise Goal for City Transportation Projects (That Are Partially or Completely Federally Funded) for the Upcoming Federal Fiscal Year.	
6. <u>ACCEPTANCE OF THE JACKSON OAKS NO. 6 SANITARY SEWER SLIDE REPAIR PROJECT</u>	49
<u>Recommended Action:</u>	
1. <u>Accept</u> as Complete the Jackson Oaks No. 6 Sanitary Sewer Slide Repair Project in the Final Amount of \$90,788.96, and	
2. <u>Direct</u> the City Clerk to File the Notice of Completion with the County Recorder's Office.	
7. <u>APPROVAL OF SUBDIVISION IMPROVEMENT AGREEMENT WITH MARRAD GROUP, INC. APN 817-57-002 (BARRETT - HOGG)</u>	53
<u>Recommended Action:</u> <u>Approve</u> the Subdivision Improvement Agreement and <u>Authorize</u> the City Manager to Sign the Agreement on behalf of the City with Marrad Group, INC. (APN 817-57-002).	
8. <u>LOT LINE ADJUSTMENT PARCEL MAP ACCEPTANCE FOR MIYASAKA</u>	65
<u>Recommended Action:</u>	
1. <u>Approve</u> the Lot Line Adjustment Parcel Map, including the Vacation of Those Excess Portions of Clayton Place and Taylor Avenue Right-of-way and <u>accept</u> the New Right-of-way for the Project Streets,	
2. <u>Approve</u> the Improvement Agreement and <u>Authorize</u> the City Manager to Sign This Agreement on Behalf of the City, and	
3. <u>Authorize</u> the Recordation of the Lot Line Adjustment Parcel Map and the Improvement Agreement.	

9. **AWARD CONTRACT TO EVALUATE AND RECOMMEND UPGRADES TO THE CITY TELEMETRY SYSTEM** 77
Recommended Action: Approve the Contract with Cybernet Consulting, INC. to Complete an Evaluation of Our Existing Telemetry System and Recommend Upgrades in the Amount Not-to-exceed \$27,300.

10. **AUTHORIZE THE EXPENDITURE OF AN ADDITIONAL \$16,500 TO REMEDY THE SAND PROBLEM AT DUNNE WELL II** 79
Recommended Action: Approve Additional Expenditure of \$16,500 to Correct the Sand Problem at Dunne Well II.

11. **APPOINTMENT TO FILL VACANCY ON THE PARKS AND RECREATION COMMISSION** 81
Recommended Action: Appoint Mark Frederick to Replace Resigning Commissioner Bill Conrad.

OTHER BUSINESS:

12. **ZONING AMENDMENT APPLICATION ZA-98-16: CONDIR-HORIZON LAND (continued from 9/1/99)** 87
Recommended Action:
 1. Approve Mitigated Negative Declaration,
 2. Waive the reading in full of Ordinance No. 1444 N.S. Approving the Planned Unit Development, and
 3. Introduce Ordinance No. 1444 N.S. by Title only.

13. **GPA-99-03: HILL - O'CONNELL** 105
Recommended Action: Refer the Applicant's Request to the General Plan Task Force.

14. **REQUEST TO ISSUE A PROCLAMATION DECLARING SEPTEMBER 20-24, 1999 AS LAWSUIT ABUSE AWARENESS WEEK** 111
Recommended Action: Authorize the Mayor to Sign a Proclamation Declaring September 20-24, 1999 as *Lawsuit Abuse Awareness Week*.

15. **REQUEST TO CITY COUNCIL TO MAKE A POLICY DETERMINATION ON THE PROPOSED METCALF ENERGY CENTER (99-AFC-3)** 115
Recommended Action:
 1. Receive Report and Discuss Issues Associated with the Proposed MEC Project, and
 2. No Action is being Recommended by the Committee at This Time.

16. **AUTHORIZATION TO INITIATE PROCESS TO IDENTIFY HOSPITAL SERVICE PROVIDERS WHO MAY BE INTERESTED IN LOCATING IN MORGAN HILL** 121
Recommended Action: Authorize the Council Committee and City Manager to do the following:
 - A) Identify Alternatives for Keeping and Retaining Existing Medical Providers

in Morgan Hill within Adopted Business Assistance and Policy Guidelines,
B) **Solicit** the interest of Other Health-care Providers to Determine Their Interest in Locating In-patient Care, Out-patient Care and/or Emergency Facilities in Morgan Hill and under What Conditions They Might be Intersted in Coming to Morgan Hill,
C) **Identify** Land in the Community Suitable for Medical and Hospital Facilities and Determine Its Availability for Private-sector Medical Development,
D) **Recommend** to the RDA Policy Board Items 1A-C, and
E) **Report** Regularly to the City Council and RDA on Issues and Opportunities Relating to Items 1-A-C.

17. **RE-ESTABLISHMENT OF AN ARCHITECTURAL REVIEW BOARD** 123
Recommended Action: Direct Staff to Initiate Amendment to the Municipal Code and Appropriate City Policies and Fee Schedules to Create a Position of City Architect to Review Site and Architecture Applications.
18. **CONSIDERATION OF POSSIBLE NAME CHANGE FOR NORDSTROM PARK** 129
Recommended Action: For Council Consideration.

SECOND READING OF ORDINANCE: Full Reading Waived By Majority Vote. (Government Code Section 36934)
Action -- Adopt Ordinance by roll call vote.

19. **ADOPT ORDINANCE NO. 1454, NEW SERIES** 131
An Ordinance of the City Council of the City of Morgan Hill Amending Ordinance No. 559, New Series, by Prezoning 2.2 Acres Located in the Southwest Corner of Olive Avenue and West Middle Avenue. The Zoning Amendment Would Prezone the Property from County A-20 to R-1, 12,000 (APN 779-03-133 & 134) (Application ZA-99-06: West Middle-Vierra)

City Council & Redevelopment Agency action

CONSENT CALENDAR:

20. **INVESTMENT POLICY UPDATE** 137
Recommended Action: Review and Approve Updated Investment Policy.
21. **APPROVAL OF SPECIAL JOINT MEETING MINUTES OF AUGUST 25, 1999** 183
22. **APPROVAL OF SPECIAL JOINT MEETING MINUTES OF AUGUST 31, 1999** 195
23. **APPROVAL OF SPECIAL JOINT MEETING MINUTES OF SEPTEMBER 1, 1999** 197

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT